

# **Collin County Commissioners Court Proposed Legislative Issues 84th Legislature**

## **Legislative Policy Statements:**

1. Electronic circulation of Court records including electronic signatures and acknowledgements. (policy)
2. Commissioners Court approval prior to the creation or expansion of a special district. (policy)
3. Put a higher priority in the State Budget on transportation spending. (policy)
4. With the exception of constitutionally required diversions, appropriate 100% of gas taxes to transportation infrastructure improvements and maintenance. (policy)
5. Support mental health services and funding for Collin County residents.(policy)
6. Amend Chapter 313 of the Transportation Code to give Commissioners Court authority to adopt a fee to offset the impact of utility construction that crosses county roads.(attachment)
7. A constitutional amendment prohibiting the legislature from adopting any new unfunded mandates on local government. (attachment)
8. Require TxDOT to adopt rules creating funding formulas for highway projects utilizing input from planning organizations, transportation officials and local government officials. The formula must include factors such as population, performance measures, safety, vehicle miles travelled, etc. (policy)
9. Require jail standards be consistent between the State and County facilities. (policy)
10. Encourage the development and adoption of an updated statewide water management plan. (policy)
11. Alternative uses for Local Initiative Project (LIP) and Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) funds such as engineering or construction of turn lanes, heavy equipment fuel conversions, or other projects that will result in better air quality. (policy)

12. Fully fund or reduce vehicle fees for AirCheck Texas Drive a Clean Machine Program. (attachment)
13. Provide Collin County with the ability to adopt and enforce a noise abatement policy in the same manner as cities.(attachment)
14. The State should fully fund the pay for visiting judges in the state district courts.(attachment)
15. Reduce the waits at DPS drivers license offices and encourage the creation of a megacenter in Collin County. (policy)
16. Require TCDRS to provide a two or multi tiered retirement system.(attachment)
17. Medicaid 1115 waiver effect on counties. (policy)
18. Oppose the creation or adoption of any new Comprehensive Development Agreements (CDA's). (attachment)
19. Codify Section 212.003 of the Local Government Code to specifically include building permits for the construction of buildings in the ETJ. (attachment)
20. Set campaign sign standards for publicly owned polling places.

#6

Amend Chapter 313 of the Transportation Code to give Commissioners Court authority to adopt a fee to offset the impact of utility construction that crosses county roads.

Issue: Utility companies cut through or bore under county roads causing damage that must be repaired by the County. In most instances, the damage is not noticeable until the first big rain or until traffic has moved across their patch. The County must employ inspectors to review their work resulting in costs to all taxpayers. Municipalities currently have the authority under Chapter 313 to require a permit and impact fee from utility companies each time they install a new, remove or repair utilities crossing over or under their roads. The County wants that same authority in order to offset County costs.

#7

A constitutional amendment prohibiting the legislature from adopting any new unfunded mandates on local government.

Issue: The financial burdens placed upon counties by the Legislature in recent decades have become onerous for local property taxpayers – either causing local property tax hikes or reductions in services.

Examples include the 2001 Fair Defense Act, which has doubled the costs for appointed attorneys, with state reimbursement accounting for only about 10 percent of that cost – meaning the local property taxpayers must make up the difference. Another recent unfunded mandate is SB 6 from 2005 that mandated counties must provide attorneys for indigent parents in CPS cases. Other unfunded mandates include indigent health care and requirements for some counties to have mandatory civil service systems.

The State of Texas fights for its rights against encroaching federal mandates. Counties and Texas taxpayers should be protected from additional costly mandates from the state.

#### A JOINT RESOLUTION

proposing a constitutional amendment to restrict the power of the legislature to mandate requirements on local governments.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by adding Section 68 to read as follows:

Sec. 68. (a) In this section, "local government" means a municipality, county, hospital district, or junior college district or a special district created by the action of a municipality or county. The term does not include a school district.

(b) A law enacted by the legislature on or after January 1, 2012, that requires a local government to establish, expand, or modify a duty or activity that

requires the expenditure of revenue by the local government is not effective unless the legislature appropriates or otherwise provides, from a source other than the revenue of the local government, for the payment or reimbursement of the costs incurred for the biennium by the local government in complying with the requirement.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November \_\_, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to restrict the power of the legislature from mandating unfunded requirements on local governments."

#12

Fully fund or reduce vehicle fees for AirCheck Texas Drive a Clean Machine Program.

Issue: AirCheck Texas Drive a Clean Machine Program was formerly called Aircheck Texas Repair and Replacement Assistance Program and called the Low-Income Repair and Replacement Assistance Program (LIRAP) before that. In the last 3 state fiscal years, Collin County residents have paid \$9,524,083 into the program and only \$1,038,070 was budgeted by the State for use.

Provide Collin County with the ability to adopt and enforce a noise abatement policy in the same manner as cities.

Issue: The County receives numerous calls from residents regarding loud and ongoing noises from rodeos, outdoor gatherings, racetracks, etc. Municipalities have authority to regulate noise levels and the County is requesting that same authority. This can be accomplished by a local bill or could apply statewide.

A BILL TO BE ENTITLED  
AN ACT

Relating to regulation of noise nuisances in the unincorporated areas of a County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 250.007 of Chapter 250 of the Texas Local Government Code is added to read as follows:

Sec. 250.007. REGULATION OF NOISE NUISANCES IN  
UNINCORPORATED AREAS OF A COUNTY.

- (a) The commissioners court of a county by order may prohibit, abate, and remove a noise nuisance occurring in the unincorporated areas of the County and may punish by fine the person responsible for the noise nuisance.
- (b) a noise nuisance for purposes of this subchapter is defined as the use or operation of an amplification device, speakers, musical instruments, or other loud speaking or noise making device at a business location or private residence which produces a sound in excess of 85 decibels (dB) as measured at the boundary line of the business location or private residence. This section shall not apply to a person or business using a device for the amplification of sound at a stadium which is owned or operated by a municipality or other local political subdivision, or at a church where such device is used for the amplification of bells or similar sound.
- (c) The commissioners of a county by order may:
  - (1) establish a permit system which allows for noise levels above 85 decibels (dB) to accommodate shows, promotions, or other special events located in unincorporated areas of the county; and
  - (2) establish fees for the issuance of the permits.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

#16

Require TCDRS to provide a two or multi tiered retirement system.

Issue: The Texas County and District Retirement System only allows for a member entity to operate one retirement system/structure. The County wants to operate two structures, one for existing employees and the second for new employees.



#18

The Commissioners Court adopted Court Order No. 2014-838-10-27 by unanimous vote opposing the creation of any new Comprehensive Development Agreements.

Issue: The Commissioners Court opposes the expansion of CDA's that would result in an expansion of private or public-private toll roads in the State of Texas.

Codify 212.003 of the Local Government Code to confirm city permit authority resulting from the City of Lucas v. North Texas Municipal Water District, 720 S.W. 2d 811 (Texa.App.-Dallas, 1986, writ red'd n.r.e.)

Issue: Section 212.003 authorizes counties to enter into agreements with cities to allow for city to review and final approval on plats located in the ETJ. A state court has interpreted that the plat authority authorized in 212.003 extends to city control (permits, inspections, CO's, etc.) over all construction in the ETJ.

The Cities of Frisco, Celina, and McKinney have notified the County of their intent to permit and inspect the construction of all buildings in their respective ETJ. Currently, Texas Counties are not authorized to inspect residential construction at all, resulting in a conflict between state law and the state court findings. This conflict results in an inequity and non-uniformity in construction standards within the unincorporated areas- City A ETJ, City B ETJ and non-ETJ unincorporated all have different requirements. In addition, a City may permit and inspect a commercial building in their ETJ, which unknowingly results in annual Certificate of Occupancy, health inspection, nuisance abatements, etc. requirements on the County.

The County requests that the legislature authorize and require counties and cities to enter into enforceable ETJ permit agreements in the same manner as previously authorized by House Bill 1445 from the 77<sup>th</sup> Legislative Session.